

## **Remarks**

Claims 1-14 are pending in the present application, each of which stands rejected. Applicants kindly thank the Examiner for granting an interview to discuss the various inventive aspects of the claims of the present application. By this paper, Applicants have amended claims 1, 6 and 7 in the manner kindly suggested by the Examiner. Accordingly, Applicants respectfully request reconsideration of the pending claims, as amended, in view of the following remarks.

### **Anticipation Rejection**

Claims 1, 6, 7, 8, 12 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0261092 ("*Addington*"). Applicants respectfully request withdrawal of this anticipation rejection because *Addington* fails to disclose each and every feature of the pending claims.

Claim 1, as amended, is directed to a method of provisioning a STB with a STB provisioning system including a service provisioning system, a billing system, a conditional access system, a video device manager, and a provisioning datastore, and includes the following features:

- receiving STB profile information independent of the conditional access system;
- storing STB profile information in the provisioning datastore;
- receiving a customer order at the service provisioning system independent of the conditional access system;
- notifying the billing system of the customer order;
- transmitting a notification of the customer order to the conditional access system, the notification communicating customer desired cable operator services;
- storing information from the customer order in the provisioning datastore;
- notifying the video device manager about the STB;
- and
- delivering a cable operator configuration message from the video device manager to the STB, the configuration

message being based on information from the provisioning datastore, thereby provisioning the STB without essential involvement of the conditional access system.

(Emphasis added.)

Applicants submit that the combination of steps recited in claim 1 is not disclosed by *Addington*. In particular, *Addington* fails to disclose or suggest "receiving STB profile information *independent* of the conditional access system." Rather, *Addington* merely discloses that STB profile information, which is based upon information provided by the conditional access module, may be provided to the service provisioning input system. (§[0236].) According to *Addington*, the host retailer requires the conditional access module to obtain appropriate set top box profile information. *Id.* Thus, claim 1 is not anticipated for at least this reason.

Moreover, *Addington* fails to disclose the aforementioned feature of "receiving a customer order at the service provisioning system *independent* of the conditional access system." Rather, the conditional access module of *Addington* is directly involved in generating the customer order. Similarly, *Addington* fails to disclose "transmitting a notification of the customer order to the conditional access system," as recited in claim 1, because the conditional access module is directly involved in generating the customer order. Thus, no transmission of this notification is disclosed or necessary as the conditional access module does not transmit a notification to itself.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 and associated dependent claims under 35 U.S.C. § 102(e) for at least the reasons set forth above.

Several of the dependent claims recite additional features not disclosed in *Addington*. For example, claim 6 recites the additional feature "wherein transmitting a notification of the customer order to the conditional access system is performed by the billing system." Rather, *Addington* discloses that the customer order and provisioning information is obtained by the provisioning system from the conditional access module and is then sent to the

billing system and then on to the enhanced services system (ESS). The rejection of dependent claim 7 likewise fails for this reason. Separate and individual consideration of the dependent claims is respectfully requested.

**Obviousness Rejection**

Claim 2 stands rejected under 35 U.S.C. § 103 as being unpatentable over *Addington* in view of United States Patent Application Publication No. 2005/0031108 ("*Eshun*"). Applicants respectfully traverse this rejection. Indeed, claim 2 is believed to be allowable based upon its dependency from claim 1. Moreover, the proposed combination of references fails to teach or suggest the pending claim.

Specifically, claim 2 recites the additional feature of "storing STB certification information in the provisioning datastore." Applicants agree with the Examiner's contention that *Addington* fails to disclose this feature. However, *Eshun* fails to cure the deficiencies of *Addington*. Rather, *Eshun* merely discloses storing an authentication certificate in a customer premises telephone device. (¶¶ [0050] and [0058].) Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of dependent claim 2 under 35 U.S.C. § 103(a) for at least the reasons set forth above.

**CONCLUSION**

In view of the foregoing, Applicants respectfully submit that the independent claim patentably defines the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

The Petition fee of \$130 is being charged to Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

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